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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Matthew Weinberg, *et al.*,  
Plaintiffs,  
v.  
National Students for Justice in  
Palestine, *et al.*,  
Defendants

Case No. 2:25-cv-03714

**DEFENDANT DR. OSAMA  
ABUIRSAID'S MEMORANDUM IN  
SUPPORT OF HIS MOTION TO  
DISMISS PLAINTIFFS' AMENDED  
COMPLAINT**

Hearing: December 8, 2025  
Time: 9:00 a.m.  
Location: Courtroom 7C  
First Street U.S. Courthouse  
350 W. 1st St.  
Los Angeles, CA 90012

Honorable Mark C. Scarsi  
United States District Judge

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1                   **I. INTRODUCTION**

2                   Dr. Osama Abuirshaid (“Dr. Abuirshaid”) is a nationally recognized expert on  
3 Palestinian and Middle Eastern Affairs, as well as on American politics and foreign  
4 affairs. He authored and coauthored several books and dozens of studies, in English and  
5 Arabic, on these issues. He earned his Ph.D. in Political Science from Loughborough  
6 University, and regularly travels nationally and internationally to speak at institutions and  
7 events on topics within his areas of expertise. Dr. Abuirshaid also serves as the Executive  
8 Director for AJP Educational Foundation, Inc. d/b/a American Muslims for Palestine  
9 (“AMP”) and as a member of its Board of Directors, and previously served as AMP’s  
10 National Policy Director.

11                  Dr. Abuirshaid’s role with AMP, and his constitutionally protected speech and  
12 association, form the basis for Plaintiffs’ attempt to hold Dr. Abuirshaid liable for the  
13 harms they suffered due to actions of other, unnamed individuals. Plaintiffs plead harm  
14 from events in which they do not claim Dr. Abuirshaid participated, or even knew had  
15 happened. Plaintiffs attempt to hold Dr. Abuirshaid liable because they disagree with his  
16 political views, and the views expressed by AMP. Plaintiffs fail to plead any facts that tie  
17 Dr. Abuirshaid to any conspiracy to violate their rights, and their claims therefore fail as  
18 a matter of law. Dr. Abuirshaid respectfully requests this Court dismiss Plaintiffs’ claims  
19 against him in full.

20                   **II. FACTS AND PROCEUDRAL HISTORY**

21                  Plaintiffs are members of the University of California, Los Angeles (“UCLA”)

1 community and include a professor, a law student, a Rabbi, and an undergraduate student,  
2 each of whom allege harm connected to the campus encampment. *See* First Amended  
3 Complaint (“FAC”), at ¶¶ 30-33, 131-148. Plaintiffs correctly allege that Dr. Abuirshaid  
4 is AMP’s Executive Director. *Id.* ¶ 43. Plaintiffs then contend that “before joining AMP,  
5 Abuirshaid worked as the editor of Al-Zaytounah, the Islamic Association of Palestine’s  
6 newspaper.” *Id.* Plaintiffs plead that “[o]n information and belief, [Dr.] Abuirshaid works  
7 together with Bazian to exercise control over AMP’s operations, including its campus  
8 activism efforts.” *Id.* Plaintiffs reference an earlier Senate HELP Committee  
9 investigation, claiming the Senate committee investigated Dr. Abuirshaid in March 2025.

10 *Id.* ¶ 20.<sup>1</sup>

11 Plaintiffs allege that Dr. Abuirshaid violated Section 1986 of the Ku Klux Klan Act  
12 by failing to prevent a civil rights conspiracy. *Id.* ¶ 167. Plaintiffs filed this claim on  
13 April 25, 2025, and later amended their Complaint. ECF Nos. 1, 54. Counsel for Dr.  
14 Abuirshaid waived personal service on July 23, 2025. ECF No. 42. The parties sought  
15 two extensions of time for Dr. Abuirshaid to respond to Plaintiffs’ Complaint through  
16 joint stipulation. ECF Nos. 38, 46. This Motion to Dismiss now follows.

17       ///

18       //

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20       <sup>1</sup> AMP responded to the HELP Committee’s requests of it, via letter dated April 23, 2025.  
21 To date, there has been no subsequent communication from the HELP Committee. No  
investigation by that committee ever requested documents or responses from Dr.  
Abuirshaid.

1                   **III. STANDARD OF REVIEW**

2                   **A. Plaintiffs Fail to Satisfy Federal Rule of Civil Procedure 12(b)(2)**

3                 Plaintiffs bear the burden to demonstrate that courts have jurisdiction over a  
4 defendant, by showing that “both the long-arm statute of the forum state confers personal  
5 jurisdiction over an out-of-state defendant, and that the exercise of jurisdiction is  
6 consistent with due process requirements.” *Pebble Beach Co. v. Caddy*, 453 F.3d 1151,  
7 1154-55 (9th Cir. 2006). “Because California’s long-arm jurisdictional statute is  
8 coextensive with federal due process requirements, the jurisdictional analyses under state  
9 law and federal due process are the same.” *Schwarzenegger v. Fred Martin Motor Co.*,  
10 374 F.3d 797, 800-01 (9th Cir. 2004).

11                 To ensure constitutional due process, the law allows jurisdiction over a non-  
12 resident party “only if that party has ‘minimum contacts’ with the forum, such that the  
13 exercise of jurisdiction ‘does not offend traditional notions of fair play and substantial  
14 justice.’” *Conohan v. Gen. Digit. Inc.*, No. 2:24-cv-06894-MCS-PVC, 2025 U.S. Dist.  
15 LEXIS 29803, at \*2 (C.D. Cal. Feb. 19, 2025) (quoting *Int’l Shoe Co. v. Wash.*, 326 U.S.  
16 310, 316 (1945)). Personal jurisdiction rests on the “nature and extent of a defendant’s  
17 contacts, if any, with a forum state” and may either be general or specific. *Johnson v.*  
18 *UBS AG*, No. 2:20-cv-00357-MCS-JC, 2020 U.S. Dist. LEXIS 221926, at \*4 (C.D. Cal.  
19 Nov. 12, 2020) (citing *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915,  
20 919 (2011)).

21                 Proving general jurisdiction is an “exacting standard, as it should be, because a

1 finding of general jurisdiction permits a defendant to be haled into court in the forum state  
2 to answer for any of its activities anywhere in the world.” *Schwarzenegger*, 374 F.3d at  
3 801 (citing *Brand v. Menlove Dodge*, 796 F.2d 1070, 1073 (9th Cir. 1986)). To establish  
4 general jurisdiction, a defendant must be “fairly regarded as at home” in the forum.  
5 *Harrington v. Cracker Barrel Old Country Store, Inc.*, 142 F.4th 678, 685 (9th Cir. 2025).  
6 For an individual, the “paradigm forum for the exercise of general jurisdiction over an  
7 individual is the individual’s domicile.” *Goodyear*, 654 U.S. at 919 (internal quotations  
8 omitted).

9 When considering specific personal jurisdiction, the Ninth Circuit utilizes a three-  
10 prong test to “analyze whether a defendant’s ‘minimum contacts’ satisfy the due process  
11 clause in the context of specific personal jurisdiction.” *Lee v. Yonja*, No. 2:23-cv-10677-  
12 MCS-E, 2025 U.S. Dist. LEXIS 189676, at \*4 (C.D. Cal. Sep. 22, 2025) (quoting  
13 *Schwarzenegger*, 374 F.3d at 802). Those prongs are:

- 14 (1) The non-resident defendant must purposefully direct his activities or  
15 consummate some transaction with the forum or resident thereof; or  
16 perform some act by which he purposefully avails himself of the  
17 privilege of conducting activities in the forum, thereby invoking the  
18 benefits and protections of its laws;  
19 (2) the claim must be one which arises out of or relates to the defendant’s  
20 forum-related activities; and

(3) the exercise of jurisdiction must comport with fair play and substantial justice, i.e. it must be reasonable.

*Id.* Of the three prongs, the plaintiff must satisfy the first two prongs of the test. *Pebble Beach Co.*, 453 F.3d at 1155. “If any of the three requirements are not satisfied, jurisdiction in the forum would deprive the defendant of due process of law.” *Id.* Only if the plaintiff satisfies both of the first two prongs does the burden shift “to the defendant to ‘present a compelling case’ that the exercise of jurisdiction would not be reasonable.” *Schwarzenegger*, 374 F.3d at 802 (quoting *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 476-78 (1985)).

**B. Plaintiffs Fail to Satisfy Federal Rule of Civil Procedure 12(b)(6)**

To survive a motion to dismiss pursuant to Rule 12(b)(6), a plaintiff's complaint must contain sufficient allegations that, if accepted as true, state a plausible claim for relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Claims qualify as facially plausible when a plaintiff pleads factual content that allows the court to draw a reasonable inference that the defendant could be liable for the misconduct alleged, if those allegations ultimately prove true. *Id.* The facts alleged in a complaint “must be enough to raise a right to relief above the speculative level.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-56 (2007). Courts “will accept the plaintiffs’ allegations as true and construe them in the light most favorable to plaintiffs.” *N.M. State Inv. Council v. Ernst & Young LLP.*, 641 F.3d 1089, 1094 (9th Cir. 2011) (quoting *Gompper v. VISX, Inc.*, 298 F.3d 893, 895 (9th Cir. 2002)). However, plaintiffs cannot survive a motion to dismiss on conclusory

1 allegations of law. *Lee v. City of L.A.*, 250 F.3d 668, 679 (9th Cir. 2001).

2 **IV. ARGUMENT**

3 **A. This Court Lacks Personal Jurisdiction Over Dr. Abuirshaid**

4 This Court possesses no basis to exercise personal jurisdiction over Dr. Abuirshaid  
5 in his personal capacity. Dr. Abuirshaid is not subject to general jurisdiction of the state  
6 of California, and Plaintiffs fail to plead facts about Dr. Abuirshaid's contacts with  
7 California that could establish this Court's specific jurisdiction over him. Therefore,  
8 exercise of jurisdiction by this Court would violate due process requirements. *Newpoint*  
9 *Fin. Corp. v. Berm. Monetary Auth.*, No. 2:22-cv-08659-MCS-PVC, 2023 U.S. Dist.  
10 LEXIS 183154, at \*3 (C.D. Cal. Oct. 11, 2023).

11 Once a defendant moves to dismiss a complaint for lack of personal jurisdiction,  
12 the plaintiff bears the burden to establish how jurisdiction is proper. *Id.* at \*2. Courts  
13 review the pleadings and affidavits to determine whether jurisdiction exists, taking only  
14 uncontested facts as true for the purpose of jurisdiction. *Vast Vantages, LLC v.*  
15 *Bhandari*, Case No. 2:21-cv-04896-MCS-MRW, 2021 U.S. Dist. LEXIS 220379, at \*2  
16 (C.D. Cal. Nov. 15, 2021). California's jurisdictional statute is "coextensive with federal  
17 law," enabling this Court to "only consider federal due process requirements." *Laltitude*  
18 *LLC v. JC Ingenium Pty Ltd*, No. 2:21-cv-08575-MCS-AFM, 2023 U.S. Dist. LEXIS  
19 28795, at \*5 (C.D. Cal. Feb. 21, 2023). Constitutional due process requires that plaintiffs  
20 establish how each defendant has "minimum contacts" with the forum state "such that the  
21 maintenance of the suit does not offend traditional notions of fair play and substantial

1 justice.” *Int'l Shoe Co. v. Wash.*, 326 U.S. 310, 316 (1945).

2 Courts consider minimum contacts through the lens of general and specific  
3 jurisdiction. If defendants qualify as “essentially at home” in a state through “continuous  
4 and systematic” contacts, courts may exercise general jurisdiction over that defendant.  
5 *Laltitude LLC*, 2023 U.S. Dist. LEXIS 28795, at \*5. For individuals, general jurisdiction  
6 usually only exists in the state where the person maintains their domicile. *Speidel v.*  
7 *Markota*, No. 2:20-cv-04653-MCS-AS, 2021 U.S. Dist. LEXIS 148821, at \*5 (C.D. Cal.  
8 May 4, 2021) (citing *Bristol-Myers Squibb Co. v. Superior Court*, 137 S. Ct. 1773, 1780  
9 (2017)). To determine whether specific jurisdiction exists, courts review whether the  
10 defendant maintains “sufficient minimum contacts with California arising from, or related  
11 to” the cause of action. *Schwarzenegger*, 374 F.3d at 801. The Ninth Circuit applies a  
12 three-prong test to this analysis:

13 “(1) the non-resident defendant must purposefully direct his activities  
14 or consummate some transaction with the forum or resident thereof; or  
15 perform some act by which he purposefully avails himself of the privilege  
16 of conducting activities in the forum, thereby invoking the benefits and  
17 protections of its laws; (2) the claim must be one which arises out of or  
18 relates to the defendant’s forum-related activities; and (3) the exercise of  
19 jurisdiction must comport with fair play and substantial justice, i.e. it must  
20 be reasonable.” *Id.* at 802.

21 Plaintiffs bear the burden to establish the first two prongs of the test; if they do so,

1 the burden shifts to the defendant to show how exercise of jurisdiction would be  
2 unreasonable. *Id*; see also *Burger King Corp.*, 471 U.S. at 476-78.

3 Dr. Abuirshaid maintains his domicile in Virginia. See Exhibit A, Declaration of  
4 Dr. Osama Abuirshaid. Plaintiffs do not contend that this Court maintains general  
5 jurisdiction over him. See FAC, at ¶¶ 59, 77. This Court's analysis, therefore, turns on  
6 whether it may properly exercise specific jurisdiction over Dr. Abuirshaid. This Court  
7 cannot do so. Plaintiffs fail to plead any facts that, if true, would show Dr. Abuirshaid  
8 "purposefully availed [him]self of the privilege of conducting activities in California, or  
9 purposefully directed [his] activities toward California." *Schwarzenegger*, 374 F.3d at  
10 802. Plaintiff pleads no facts about any activities by Dr. Abuirshaid in California  
11 sufficient to show he availed himself of the privilege and benefit of the laws of California;  
12 Plaintiffs fail to plead whether Dr. Abuirshaid has even visited California. FAC, at ¶ 77.  
13 Because Plaintiffs do not plead any facts asserting Dr. Abuirshaid's contacts with  
14 California, Plaintiffs' claim necessarily cannot arise out of any sufficient contacts with  
15 California. Plaintiffs fail to present even a *prima facie* showing that justifies this Court's  
16 jurisdiction over Dr. Abuirshaid.

17 Were this Court to find otherwise, any exercise of this Court's jurisdiction over Dr.  
18 Abuirshaid does not "comport with fair play and substantial justice." *Int'l Shoe Co.*, 326  
19 U.S. at 320. Dr. Abuirshaid has no contact with California sufficient for him to  
20 "reasonably anticipate being haled into court" in California. *Burger King Corp.*, 471 U.S.  
21 at 474. Plaintiffs plead only conclusory statements about what Dr. Abuirshaid may have

1 known about actions by other actors in California. *See* FAC, at ¶ 77. Based solely on  
2 Plaintiffs' allegations, Dr. Abuirshaid cannot reasonably foresee being subject to the  
3 jurisdiction of a California court. Dr. Abuirshaid therefore requests this Court decline to  
4 exercise jurisdiction against him, and dismiss Plaintiffs' claims.

5 **B. Plaintiffs Fail to State a Claim Against Dr. Abuirshaid Under Section 1986**

6 Plaintiffs' Section 1986 claim against Dr. Abuirshaid further fails on the merits. As  
7 described fully in AMP's Motion to Dismiss, Plaintiffs fail to state a claim under Section  
8 1985, necessarily precluding a Section 1986 claim. *See Karim-Panahi v. L.A. Police*  
9 *Dep't*, 839 F.2d 621, 626 (9th Cir. 1988) ("A claim can be stated under section 1986 only  
10 if the complaint contains a valid claim under section 1985."). And even if this Court were  
11 to find that Plaintiffs state a valid Section 1985 claim, Plaintiffs still fail to plead any non-  
12 conclusory allegations that Dr. Abuirshaid knew about a Section 1985 conspiracy and  
13 failed to stop it.

14 Section 1986 creates a cause of action against individuals who fail to prevent a  
15 conspiracy under Section 1985. 42 U.S.C. § 1986. Though a dearth of Ninth Circuit case  
16 law exists on the elements needed to state a claim under Section 1986, other federal  
17 Circuit Courts have found that four elements support a claim under the section. First,  
18 plaintiffs must plead that a defendant had actual knowledge of a Section 1985 conspiracy;  
19 second, that the defendant had the ability to prevent or aid in preventing it; third, that the  
20 defendant exhibited neglect or refusal to prevent the conspiracy; and finally, the  
21 commission of a resulting wrongful act. *See, e.g., Clark v. Clabaugh*, 20 F.3d 1290, 1295

1 (3d Cir. 1994). Plaintiffs must also plead with specificity plausible allegations that the  
2 defendant had advanced knowledge of a conspiracy and had the power to prevent it.  
3 *Bowie v. Maddox*, 642 F.3d 1122, 1128 (D.C. Cir. 2011); *Hampton v. Hanrahan*, 600  
4 F.2d 600, 629 (7th Cir. 1979), *rev'd on different grounds*, 446 U.S. 746. Conclusory  
5 allegations do not suffice to carry this burden.

6 Plaintiffs merely conclude that Dr. Abuirshaid, as AMP's Executive Director,  
7 "works together with Bazian to exercise control over AMP's operations including its  
8 campus activism efforts." FAC, at ¶ 43. This conclusory allegation fails to establish the  
9 four elements required to support a claim under Section 1986. As to the first element,  
10 Plaintiffs make broad assertions with no details and fail to establish that Dr. Abuirshaid  
11 had actual knowledge of any Section 1985 conspiracy, such as when or how he became  
12 aware of a conspiracy. Plaintiffs instead assert only that "on information and belief" Dr.  
13 Abuirshaid would have spoken to Taher Herzallah, AMP's staff member, who, "on  
14 [further] information and belief, would have been responsible for coordinating AMP's  
15 support of SJP," to purportedly include UCLA's encampment. Id. ¶ 169. These tenuous  
16 assertions do not suffice.

17 As to the second element, Plaintiffs also fail to plead with specificity that Dr.  
18 Abuirshaid had the ability to prevent any conspiracy or aid in preventing it. Instead,  
19 Plaintiffs present only the vague assertion that "on information and belief" Dr. Abuirshaid  
20 "had the power to eat least aid in preventing the conspiracy" by "instruct[ing] Herzallah  
21 to cease using AMP resources to support SJP." *Id.* ¶¶ 170-171. On the third element,

1 Plaintiffs plead no facts that, if true, would potentially show that Dr. Abuirshaid exhibited  
2 neglect or refusal to prevent the conspiracy, or that his actions led to the commission of  
3 the wrongful acts against Plaintiffs. *Compare Clark*, 20 F.3d at 1295 with FAC, at ¶ 173  
4 (asserting that Dr. Abuirshaid failed to take steps that Plaintiffs do not plead were even  
5 within his control). Furthermore, Plaintiffs fail to allege that Dr. Abuirshaid had advanced  
6 knowledge of a conspiracy, or the power to prevent one; Plaintiffs simply allege that Dr.  
7 Abuirshaid acted in his capacity as Executive Director of a national nonprofit. *Bowie*, 642  
8 F.3d at 1128. Plaintiffs fail to plead three of the four necessary elements of a Section  
9 1986 claim against Dr. Abuirshaid, and their claim fails and therefore warrants dismissal.<sup>2</sup>

## V. CONCLUSION

11 Dr. Abuirshaid bears no responsibility for the harms Plaintiffs may have suffered  
12 on UCLA’s campus. Rather, he is a highly respected individual, who deserves better than  
13 the dismissive and offensive characterizations in which Plaintiffs cast him and his work.  
14 Plaintiffs hope this Court will afford them a broad brush to paint Dr. Abuirshaid’s  
15 expressive viewpoint and work with AMP as somehow discriminating against them. The  
16 law does not allow this. Plaintiffs fail to plead sufficient facts sufficient to establish  
17 liability under Section 1986. They do not sufficiently plead the existence of a conspiracy  
18 against their rights under Section 1985, which precludes any liability under Section 1986.

<sup>20</sup> Plaintiffs never clearly identify a right of which any alleged conspiracy deprived them.  
<sup>21</sup> However, since Plaintiffs fail to reach three of four elements, Dr. Abuirshaid does not at this time address the fourth element.

- 1 Even if they did make a sufficient showing under Section 1985, they do not plead that Dr.
- 2 Abuirshaid had knowledge of any conspiracy or ability to stop it.

3 Plaintiffs disagree with Dr. Abuirshaid's work. They have the right to do so. They  
4 do not, however, have the right to equate his protected speech with allegations of illegal  
5 behavior. Plaintiffs' claims against Dr. Abuirshaid fail entirely under the law; he therefore  
6 respectfully requests that this Court dismiss Plaintiffs' claims against him in full.

Respectfully submitted this 27th day of October, 2025.

/s/*Max Schoening*

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## Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was electronically filed and served upon all counsel of record. Parties may access this filing through the Court's CM/ECF System.

Dated this 27th day of October, 2025.

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